

REMARKS

Claims 7-12 and 14-15 stand rejected under 35 U.S.C. § 102(a) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as being obvious over Soeda et al. (U.S. Patent No. 4,356,214). Applicant respectfully traverses the rejection because Soeda fails to disclose or suggest a step of pulverizing a rubber based sealing material into a powdered material at a temperature lower than, or equal, a brittle temperature of the rubber based sealing material.

In the outstanding Office Action on page 2, the Examiner acknowledges that Soeda is silent as to the temperature at which the rubber is pulverized in item 4. Accordingly, since this element is lacking, as acknowledged by the Examiner, Applicant respectfully submits that the § 102(b) rejection is improper, and should be withdrawn. This is because in order to demonstrate anticipation, the Examiner must show that four quarters of a single, prior art document describe every element of the claimed invention. Additionally, those elements must be arranged as in the claim. Since the Examiner explicitly acknowledges that Soeda is silent regarding the above-described feature, Applicant respectfully requests withdrawal of the § 102(b) rejection of claims 7-12 and 14-15.

With respect to the § 103(a) rejection, Applicant respectfully traverses the rejection because Soeda fails to disclose or suggest the pulverizing step at a temperature that is lower than, or equal to a brittle temperature of the rubber based sealing material.

Soeda discloses at col. 3, lines 46-62 that sealing material extruded from a cylinder 6 enclosed in a heating device 13 to a fixed disc 10. There is provided a rotary disc 9 in a coaxial relation to the fixed disc 10, with the rotary disc 9 being coupled. By rotating the rotary disc 9 at a high speed, the sealing material 4 is sprayed onto the inner surface of the tire through a small clearance 8 provided between the rotary disc 9 and the fixed disc 10. (See col. 4, lines 10-14 of

Soeda). Therefore, according to the invention of Soeda, by using a means provided with a heating device 13 for spraying the sealing material, the sealing material is made in a molten state and pulverized.

Therefore, Soeda has, as one of its main features, the idea that a sealing material is pulverized in a molten state at a high temperature. Accordingly, Soeda fails to disclose or suggest the concept of the present invention which grinds and pulverizes the sealing material by making it in a brittle state of solid phase that is lower than or equal to a brittle temperature, as recited in independent claim 7 of the present Application.

Soeda merely teaches to pulverize a sealing material, but does not disclose or suggest a brittle temperature, or pulverization at such a brittle temperature. Soeda teaches that it is possible to pulverize a high viscosity sealing material having 100,000 cps at a temperature of 150°C. (See col. 5, line 12 and lines 20-25 of Soeda). However, this temperature is not equal to, or lower than, a brittle temperature of the rubber based sealing material. In the outstanding Office Action, the Examiner asserts that there are art recognized advantages for pulverizing the rubber below its brittle temperature. Applicant respectfully submits that the Examiner is using impermissible hindsight to include this feature in the rejection. Applicant respectfully requests that the Examiner either take Official Notice or supply an affidavit of personal knowledge attesting to his personal knowledge of the brittle temperature if the §103(a) rejection is maintained. For all of these reasons, withdrawal of the §102(b)/103(a) rejection of claims 7-12 and 14-15 is respectfully requested.

For all of the foregoing reasons, Applicant submits that this Application is in condition for allowance, which is respectfully requested. The Examiner is invited to contact the undersigned attorney if an interview would expedite prosecution.


If a Petition under 37 C.F.R. §1.136(a) for an extension of time for response is required to make the attached response timely, it is hereby petitioned under 37 C.F.R. §1.136(a) for an extension of time for response in the above-identified application for the period required to make the attached response timely. The Commissioner is hereby authorized to charge any additional fees which may be required to this Application under 37 C.F.R. §§1.16-1.17, or credit any overpayment, to Deposit Account No. 07-2069.

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